

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHAO CHEN, individually and on behalf of all those similarly situated,

No. 3:17-cv-05769-RJB

Plaintiff,

DECLARATION OF R. ANDREW
FREE IN SUPPORT OF
PLAINTIFF'S MOTION FOR
CLASS CERTIFICATION

THE GEO GROUP, INC., a Florida corporation,

Defendant.

I, R. Andrew Free, declare that the following is true and correct based upon my personal knowledge:

1. I am attorney for the Plaintiffs in the above-captioned action.

2. I am a 2010 graduate of Vanderbilt University Law School, where I was awarded the Bennett Douglas Bell Memorial Prize.

3. I have been practicing law since 2011.

4. During law school, I served as a Community Services Team Intern at Holland & Knight in Washington, D.C., and as a Summer Associate at Winston & Strawn, LLP in San Francisco, California. Following graduation, I began working and eventually assumed the position of Litigation Counsel at Ozment Law in Nashville, Tennessee, which is a

1 boutique immigration and civil rights firm. In September 2013, I founded my own law
2 practice and became Of Counsel to Barrett Johnston Martin & Garrison in Nashville,
3 Tennessee.

4 5. I am currently Managing Attorney at the Law Office of Andrew Free.

5 6. I was selected as a 2017 SuperLawyers MidSouth Rising Star for the area of
6 Civil Rights.

7 7. My firm and our co-counsel in this litigation are committed to advancing all
9 costs of this litigation.

10 8. I am proficient in Spanish. My paralegal is a native Spanish speaker.

11 9. I have spent roughly 1000 hours over more than five years investigating the
12 factual and legal bases for claims against companies like GEO that operate privately-run
13 detention facilities, including filing and litigating Freedom of Information Act (“FOIA”)
14 requests, interviewing current and former detainees and advocates, and reviewing corporate
15 records issued by GEO and similar companies.

17 10. I am currently lead or co-lead class counsel in *Menocal v. The GEO Group,*
18 *Inc.*, No. 1:14-cv-02887, 113 F. Supp. 3d. 1125 (D. Colo.); and *Novoa v. The GEO Group,*
19 *Inc.*, No. 5:17-cv-02514 (C.D. Cal.), and have applied to be appointed lead counsel in *Owino*
20 *v. CoreCivic, Inc.*, No. 3:17-cv-02573-JLS-NLS (S.D. Cal.). Each of these cases alleges wage
21 theft, unjust enrichment, and/or forced labor at private civil immigration detention facilities.

22 11. In addition, I am or was counsel for the following cases in the federal district
23 courts:

25 a. *Villegas v. Metropolitan Government of Davidson County/Nashville –*
26 *Davidson County Sheriff’s Office*, No. 3:09-cv-00219, 907 F.Supp.2d 907
(M.D. Tenn. 2012)

- b. *Dionicio v. Allison*, No. 3:09-cv-00575 (M.D. Tenn. 2011)
 - c. *Ramos-Macario v. Jones*, No. 3:10-cv-00813, 2011 WL 831678 (M.D. Tenn. 2011)
 - d. *Tapia-Tovar v. Epley*, No. 3:11-cv-00102 (M.D. Tenn.)
 - e. *Renteria-Villegas v. Metropolitan Government of Nashville & Davidson County*, No. 3:11-cv-00218, 796 F.Supp.2d 900 (M.D. Tenn. 2011)
 - f. *Ozment v. United States Department of Homeland Security, Immigration and Customs Enforcement*, No. 3:11-cv-00429 (M.D. Tenn.)
 - g. *Cahuec-Castro v. Worsham*, No. 3:11-cv-00928 (M.D. Tenn.)
 - h. *Escobar v. Gaines*, No. 3:11-cv-00994 (M.D. Tenn.)
 - i. *Martinez v. Gaines*, No. 3:11-cv-01030 (M.D. Tenn.)
 - j. *Rios-Quiroz v. Williamson County, Tennessee*, No. 3:11-cv-01168 (M.D. Tenn.)
 - k. *Ramirez-Mendoza v. Maury County, Tennessee*, No. 1:12-cv-00014 (M.D. Tenn.)
 - l. *United Steelworkers of America, Local Union 9426 v. Metropolitan Government of Nashville, Davidson County, Tennessee*, No. 3:12-cv-00120 (M.D. Tenn.)
 - m. *Garcia v. Department of Homeland Security*, No. 3:12-cv-00354 (M.D. Tenn.)
 - n. *Rosenboom v. Contec Construction, LLC*, No. 3:12-cv-00494 (M.D. Tenn.)
 - o. *Santos-Garcia v. Cheatham County, Tennessee*, No. 3:12-cv-00826 (M.D. Tenn.)
 - p. *Patel v. Miller*, 3:13-cv-00242 (M.D. Tenn.)
 - q. *Moore v. Trevecca Nazarene University*, No. 3:13-cv-00276 (M.D. Tenn.)

- 1 r. *Ramirez-Anzo v. Department of Homeland Security, U.S. Immigration and*
2 *Customs Enforcement*, No. 3:13-cv-00682 (M.D. Tenn.)
- 3 s. *Ajualip-Miranda v. United States Department of Homeland Security, U.S.*
4 *Immigration and Customs Enforcement*, No. 3:13-cv-00715 (M.D. Tenn.)
- 5 t. *Harrington v. Haslam*, No. 3:13-cv-01090 (M.D. Tenn.)
- 6 u. *Retana-Correa v. Morris Drywall Systems, Inc.*, No. 3:13-cv-728 (M.D.
7 La.)
- 8 v. *Stevens v. United States Department of Justice*, No. 1:13-cv-2780 (N.D.
9 Ill.)
- 10 w. *Stevens v. Department of Homeland Security*, No. 1:13-cv-3382 (N.D. Ill.)
- 11 x. *Stevens v. United States Department of State*, No. 1:13-cv-5152 (N.D. Ill.)
- 12 y. *Howe v. Aytes*, No. 2:14-cv-00077 (M.D. Tenn.)
- 13 z. *Beasley v. Turner*, No. 1:14-cv-00148 (M.D. Tenn.)
- 14 aa. *Bentz v. Sumner County, Tennessee*, No. 3:14-cv-02300 (M.D. Tenn.)
- 15 bb. *Contreras v. Corsicana Bedding, Inc.*, No. 4:14-cv-00006-HSM-SKL
16 (E.D. Tenn.)
- 17 cc. *Pascual v. Corsicana Bedding, Inc.*, No. 4:14-cv-00008-HSM-SKL (E.D.
18 Tenn.)
- 19 dd. *Gonzalez v. United States of America*, No. 2:14-cv-00696-CJB-JCW (E.D.
La.)
- 20 ee. *Stevens v. U.S. Dep't of Homeland Security, Immigration & Customs*
21 *Enforcement*, No. 1:14-cv-3305 (N.D. Ill.)
- 22 ff. *Figueroa-Barajas v. Lund*, No. 2:14-cv-1051-SSV-JCW (E.D. La.)
- 23 gg. *Ayala-Rosales v. Teal*, No. 4:14-cv-00048-HSM-CHS (E.D. Tenn.)
- 24 hh. *Stevens v. U.S. Dep't of Homeland Security*, No. 1:14-cv-08133 (N.D. Ill.)
- 25 ii. *Quick v. Hamilton County, Tennessee*, No. 1:14-cv-00478-CLC-SKL
26 (E.D. Tenn.)
- jj. *Medina-Resendiz v. Kaylor*, No. 1:15-cv-00086-TRM-CHS (E.D. Tenn.)

- kk. *Lopez v. Kaylor*, No. 1:15-cv-00202-TRM-CHS (E.D. Tenn.)
 - ll. *Mehta v. U.S. Department of State*, No. 2:15-cv-01533-RSM (W.D. Wash.)
 - mm. *Benjamin v. U.S. Department of State*, No. 1:15-cv-00160-ABJ (D.D.C.)
 - nn. *Koukoulomates v. Kerry*, No. 1:15-cv-00384 (D.D.C.)
 - oo. *Sandoval v. Loy*, No. 3:15-cv-00444 (M.D. Tenn.)
 - pp. *Davis v. Grinder*, No. 3:15-cv-00763 (M.D. Tenn.)
 - qq. *Gutierrez-Cruz v. Lucero*, No. 5:15-cv-00631 (W.D. Tex.)
 - rr. *RAICES, Inc. v. U.S. Immigration and Customs Enforcement*, No. 1:15-cv-01318-JEB (D.D.C.)
 - ss. *Contreras-Casco v. Lucero*, No. 5:15-cv-00716 (W.D. Tex.)
 - tt. *Quiroz-Trejo v. Rivera*, No. 3:15-cv-01020 (M.D. Tenn.)
 - uu. *Melendez de Segovia v. Johnson*, No. 1:15-cv-02019 (D.D.C.)
 - vv. *Cadet v. Kerry*, No. 1:16-cv-00328 (D.D.C.)
 - ww. *Doe v. United States of America*, No. 3:16-cv-856 (M.D. Tenn.).
 - xx. *American-Arab Anti-Discrimination Committee v. U.S. Customs and Border Protection*, No. 1:17-cv-00708-CRC (D.D.C.)
 - yy. *Stevens v. U.S. Immigration and Customs Enforcement*, No. 1:17-cv-2853 (N.D. Ill.)
 - zz. *Goodman v. Arpaio*, 2:16-cv-04388-JJT-MHB (D. Ariz.)

10. Several of these cases are putative class or collective actions, including

Menocal v. The GEO Group, Inc., 320 F.R.D. 258 (D. Colo. 2017) (certified class action of _____ current and former immigration detainees); *Mehta v. U.S. Department of State*, No. 2:15-cv-01533-RSM (W.D. Wash.) (putative class of 60,000+ foreign nationals); *Pascual v. Corsicana Bedding, Inc.* No., 4:14-cv-00008-HSM-SKL (E.D. Tenn.) (certified collective

1 action of 80+ workers, predominantly non-English speakers); *Ramirez-Mendoza v. Maury*
2 *County, Tennessee*, No. 1:12-cv-00014 (E.D. Tenn.) (putative class of unlawfully held non-
3 citizen detainees); and *Retana-Correa v. Morris Drywall Systems*, No. 3:13-cv-728 (M.D.
4 La.).

5 11. Some of these cases were certified as 29 U.S.C. § 216(b) collective actions.
6 *See Pascual v. Corsicana Bedding, Inc.* No., 4:14-cv-00008-HSM-SKL (E.D. Tenn.); and
7 *Retana-Correa v. Morris Drywall Systems*, No. 3:13-cv-728 (M.D. La.).

8 12. A substantial portion of my district court, among other, litigation experience
9 involves exposing or remedying unlawful treatment by government officials or their agents
10 of suspected non-citizens in various forms of custody or immigration detention, or requests
11 for records relating thereto. A substantial portion of the remainder of these cases involves
12 federal and/or state labor claims on behalf of immigrant workers.
13

14 13. As part of my representation of clients in Freedom of Information Act
15 lawsuits and damages actions under *Bivens* and the Federal Tort Claims Act, I have become
16 uniquely familiar with the agreements, policies, procedures, regulations, and general legal
17 regimes governing noncitizens in ICE detention, and the conditions under which they are
18 forced to perform labor. *See, e.g., Stevens v. U.S. Dept. of Homeland Security – U.S.*
19 *Immigration and Customs Enforcement*, No. 1:14-cv-3305 (N.D. Ill.) (demanding agency
20 records regarding the Voluntary Work Program, grievances by detainees involved in the
21 program, and policy and procedure guidance from the agency regarding the program's
22 function). Through these cases, I have amassed and reviewed tens of thousands of pages of
23 primary source documents relating to ICE detention, private prison contracting, and the work
24 detainees and others perform in ICE facilities.
25

14. In addition to my federal district court practice, I have represented or advised hundreds of individuals in various stages of deportation proceedings and civil immigration proceedings. This experience includes extensive representation of individuals detained at privately-run immigration facilities across the United States.

15. Through direct interviews with these clients regarding the conditions of their confinement and analysis of documents from GEO Group and ICE, I have become intimately familiar with the processes, procedures, and practices surrounding the detainee work program at its facilities.

16. I am a frequent speaker and presenter at bar and professional training events such as the American Immigration Lawyers Association and the National Immigration Project of the National Lawyers Guild. I previously served as Co-Chair of the Committee on the Rights of Immigrants, within the Individual Rights and Responsibilities Section of the American Bar Association.

17. I have also consulted with, represented, and advised former employees of private prison corporations in employment-related matters.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

EXECUTED at Nashville, Tennessee, this 23rd day of March, 2018.

s/ R. Andrew Free

R. ANDREW FREE

CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Devin T. Theriot-Orr, WSBA # 33995
SUNBIRD LAW, PLLC
1001 Fourth Avenue, Suite 3200
Seattle, WA 98154-1003
Tel: (206) 962-5052
devin@sunbird.law

Counsel for Plaintiff

Joan K. Mell
III BRANCHES LAW, PLLC
1019 Regents Boulevard, Suite 204
Fircrest, WA 98466
Tel: (253) 566-2510
joan@3ebrancheslaw.com

Attorney for Defendant

Andrea D'Ambra
NORTON ROSE FULBRIGHT US LLP
1301 Avenue of the Americas
New York, NY 10019
andrea.dambra@nortonrosefulbright.com

Attorney for Defendant

DATED at Seattle, Washington this 23rd day of March, 2018.

s/ Sheila Cronan

Sheila Cronan
Legal Assistant
Schroeter Goldmark & Bender
810 Third Avenue, Suite 500
Seattle, WA 98104
Tel: (206) 622-8000
Fax: (206) 682-2305
cronan@sgb-law.com